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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,045	02/16/2001	William D. Kirsh	462322000100	2531
25227	7590	03/25/2009	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				MORGAN, ROBERT W
3626		ART UNIT		PAPER NUMBER
03/25/2009		MAIL DATE		DELIVERY MODE
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* WILLIAM D. KIRSH, PETER M. KRAMER,  
and JEFFREY T. KING

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Application 09/784,045  
Technology Center 3600

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Mailed: March 25, 2009

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Before DALE M. SHAW, *Chief Appeals Administrator*

ORDER RETURNING APPLICATION TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on December 1, 2008. A review of the application has revealed that the application was not ready for an appeal.

On December 8, 2008, the examiner mailed a Supplemental Examiner's Answer to appellants. This supplemental Examiner's Answer introduced a new ground of rejection on claims 1, 2, and 4-23.

Application 09/784,045

On February 9, 2009, the appellants timely filed an amendment requesting the reopening of prosecution of the application under 37 C.F.R. § 41.39.

Accordingly, it is

ORDERED that the application is returned to the Examiner to reopen prosecution in accordance with the appellants' February 9, 2009 request to reopen prosecution.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/ewh

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